

FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF THE APPLICATION :

FOR A LICENSE TO PRACTICE AS A :  
REGISTERED NURSE OF :

RHYNDA JARMON DeJONCKHEERE, :  
APPLICANT. :

FINAL DECISION  
AND ORDER  
LS9412291NUR

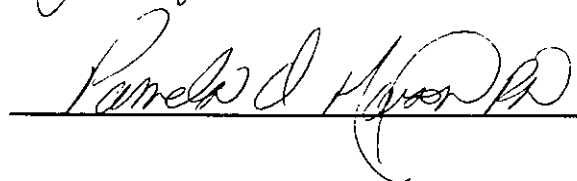
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The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 7 day of July 1995.



**STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING**

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**IN THE MATTER OF THE APPLICATION  
FOR A LICENSE TO PRACTICE AS A  
REGISTERED NURSE**

**PROPOSED DECISION  
Case No. LS-9412291-NUR**

**RHYNDA JARMON DeJONCKHEERE,  
APPLICANT.**

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**PARTIES**

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Rhynda Jarmon DeJonckheere  
2724 W. Sahuaro Drive, #B-202  
Phoenix, Arizona 85029

Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing on December 29, 1994. A hearing was held in the above-captioned matter on February 1, 1995. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The applicant, Rhynda Jarmon DeJonckheere, filed an affidavit and written legal arguments in lieu of appearing at the hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Rhynda Jarmon DeJonckheere (dob, 1/5/49), 2724 W. Sahuaro Drive, #B-202, Phoenix, Arizona 85029, filed an application for licensure by endorsement, dated May 30, 1993, to practice as a registered nurse in the State of Wisconsin.

2. On July 14, 1994, the Board of Nursing denied Ms. DeJonckheere's application on the following grounds:

On her application, applicant left blank question #9, which asks for all other states where the applicant is licensed in addition to the state of original licensure. In fact, applicant is and was at the time of application licensed in the States of Arizona and Mississippi.

Applicant answered "No" to question #14, which asks whether any state board of nursing revoked, limited, canceled or taken other disciplinary action against the applicant's license. In fact, Arizona imposed discipline against applicant on two occasions.

3. On the application for endorsement filed by applicant, dated May 30, 1993, applicant left question #9 blank. Question #9 reads:

"List all other states in which licensed and license number (s) for each."

4. Applicant was certified to practice as a registered nurse by the State of Mississippi on September 10, 1981.

5. Applicant was licensed to practice as a professional nurse by the State of Arizona on June 11, 1982.

6. Applicant was licensed to practice as a registered nurse by the State of Alaska on June 14, 1991.

7. On the application for endorsement filed by applicant, dated May 30, 1993, applicant answered "No" to question #14. Question #14 reads:

"Has any state board of nursing revoked, limited, cancelled or taken other disciplinary action against you or denied you a license?"

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, explain on separate sheet - include state, date, and type of action."

8. On June 6, 1985, the Arizona State Board of Nursing suspended applicant's license to practice professional nursing for a period of 18 months. The suspension was stayed and applicant was placed on probation for 18 months subject to compliance with certain conditions set forth in the "Findings of Fact, Conclusions of Law and Order No. 419" issued by the Board.

9. Either on August 17, 1987, or on November 13, 1987, applicant's license to practice as a professional nurse was placed on probation by the Arizona State Board of Nursing for 24 months, retroactive to February 20, 1987, subject to compliance with certain conditions set forth in the Consent Agreement and Order issued by the Board. On January 23, 1989, the Board issued an order terminating the Order of Probation.

### **CONCLUSIONS OF LAW**

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.06 (1), Stats., and ch. N 3, Wis. Adm. Code.
2. Applicant by having had disciplinary action taken against her license to practice as a professional nurse by the State of Arizona as stated in Findings of Fact #8 and #9 herein failed to satisfy one of the requirements for endorsement as a registered nurse as set forth in s. N 3.03 (1) (d), Wis. Adm. Code.

### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the application for nurse licensure by endorsement filed by Rhynda Jarmon DeJonckheere, dated May 30, 1993, to practice as a registered nurse be, and hereby is, denied.

This order is effective on the date on which it is signed by a designee of the Board of Nursing.

### **OPINION**

This matter was commenced by the filing of a Notice of Hearing on December 29, 1994. A hearing was held on February 1, 1995. Atty. Steven M. Gloe appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Ms. DeJonckheere filed an affidavit and written arguments in lieu of appearing at the hearing.

Ms. DeJonckheere filed an application for licensure by endorsement, dated May 30, 1993, to practice as a registered nurse in Wisconsin. The Board of Nursing considered her application on July 8, 1994. The Board denied the application on July 14, 1994, based in essence upon the fact that Ms. DeJonckheere specifically denied that disciplinary action in another state had occurred, and failed to disclose her Arizona licensure in an apparent attempt to prevent the discovery of those actions. *Exhibit #1, Item H.*

The Board of Nursing is authorized under s. 441.06, Wis. Stats., to grant licensure by endorsement. The qualifications for licensure by endorsement as a registered nurse are set forth in ch N 3 Wis. Adm. Code, one of which is a requirement that an applicant "has a license against which no disciplinary action has been taken in any of the states in which the applicant has held a license". s. N 3.03 (1), Wis. Adm. Code.

The evidence presented in this case establishes that the State of Arizona has taken disciplinary action against Ms. DeJonckheere on at least two occasions, and that she concealed that information on her application for endorsement filed with the Wisconsin Board of Nursing. *Exhibit #1, Items A and E.*

In 1985, the Arizona State Board of Nursing suspended her license for a period of 18 months. The suspension was stayed and she was placed on probation for 18 months subject to compliance with certain conditions set forth in the Board order. The Arizona State Board found that while employed as a professional nurse, Ms. DeJonckheere "failed to maintain a record for each patient which accurately reflects the nursing care of a patient". The Board cited three instances which occurred in 1984. In addition, she was placed on probation by the Arizona Board in 1987 for 24 months subject to compliance with certain conditions set forth in the Board order. The Board found that on resumes submitted to several entities, Ms. DeJonckheere "made untruthful and misleading statements, although there is no evidence of intent to defraud", and that she "altered her expired 1985-1986 license to show an expiration date of 1988". The altered license was presented to a potential employer. She was currently licensed at that time.

These disciplinary actions were not disclosed by Ms. DeJonckheere on her application for endorsement. In fact, there is no reference on her application to licensure in the State of Arizona. In her response on the application to question #14, relating to discipline in another state, she not only wrote the word "no" on the application, she also placed a check mark on the line next to the word "no". *Exhibit # 1, Item A ; Exhibit #3, page 3, lines 24-27.*

Ms. DeJonckheere's explanation of the concealment is not credible. She stated in her Affidavit, dated January 23, 1995, that she knew "the Wisconsin Board would inquire of Alaska and Mississippi, all of whom had my Arizona information on file", and that in responding to question #14, she "interpreted the question to mean that there would be no sanctions then in existence as of May 1993 on my license". *Exhibit #2, Affidavit, p. 3; Exhibit #3, pp. 2-4.* Furthermore, after the Wisconsin Board of Nursing discovered the concealment and requested additional information from Ms. DeJonckheere, she submitted a letter of explanation which contained a reference to the disciplinary action taken by the Arizona Board in 1984, but failed to mention the 1987 disciplinary action. *Exhibit #1, Item D.*

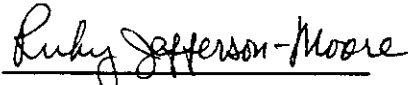
The purpose of licensing statutes is not to benefit those persons licensed to practice under the statutes, but rather to protect the public by the requirement of a license as a condition precedent to practicing a given profession. Such statutes are grounded in the state's police power to protect the public welfare through safeguarding the life, health, and property of its citizens. *Gilbert v. Medical Examining Board*, 119 Wis. 2d 168, 349 N.W. 2d 68 (1984).

Public trust is essential to the practice of a registered nurse. By concealing pertinent information from the Board of Nursing relating to her licensure status in the State of Arizona, Ms. DeJonckheere has shown that she cannot be entrusted with a license to practice as a registered nurse in a manner which safeguards the interests of the public.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 10th day of May, 1995

Respectfully submitted,

A handwritten signature in cursive script that reads "Ruby Jefferson-Moore". The signature is written in dark ink and is positioned above a horizontal line.

Ruby Jefferson-Moore  
Administrative Law Judge

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

JULY 10, 1995.

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)